

1 Hon. John C. Coughenour  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

9 JEFFREY CHEN, individually,  
10 Plaintiff,

Case No. 11-cv-02119-TSZ

11 v.  
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13 CITY OF MEDINA, a public agency and  
14 Washington noncharter code city; DONNA  
15 HANSON, in her official and individual  
capacities; BRET JORDAN, in his official and  
individual capacities,

16 Defendants.

DECLARATION OF MARIANNE K.  
JONES IN SUPPORT OF PLAINTIFF  
CHEN'S MOTION FOR SANCTIONS

I, MARIANNE K. JONES, hereby declare under penalty of perjury under the laws of the United States and the State of Washington, that the following is true and correct to the best of my knowledge:

1. I am counsel for Plaintiff in this matter. I am over the age of 18 years, competent to testify as a witness herein, and make this declaration based on my personal knowledge.

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1       2. On August 19, 2014, following the Court's order directing Defendants to  
2 produce a hard drive it had previously withheld from Plaintiff through discovery, Defendants  
3 finally produced the hard drive to my client. After reviewing the contents of the hard drive, I  
4 discovered the following material that show extreme prejudice to Plaintiff and warrants  
5 sanctions against Defendants:

- 6           a. Exhibit A: October 15, 2009 Executive Summary to City Manager, from  
7                   Police Chief Jeffrey Chen to City Manager Donna Hanson with a printout of  
8                   metadata details of the file showing creation and modification dates of  
9                   October 23, 2009;
- 10           b. Exhibit B: December 31, 2008 Memo from Police Chief Jeffrey Chen to City  
11                   Manager Donna Hanson regarding "2009 Police Department Goals" with a  
12                   printout of metadata details of the file showing creation and modification  
13                   dates of December 30, 2008;
- 14           c. Exhibit C: February 18, 2010 Memo from Police Chief Jeffrey Chen to City  
15                   Manager Donna Hanson regarding the "Impact to Police operations related to  
16                   impending facility move" with a printout of metadata details of the file  
17                   showing creation and modification dates of February 18-19, 2010;
- 18           d. Exhibit D: October 28, 2010 Memorandum from Police Chief Jeffrey Chen to  
19                   the Medina Police Department file regarding "Don Eagon Comment" with a  
20                   printout of metadata details of the file showing creation and modification  
21                   dates of October 26-27, 2010;
- 22           e. Exhibit E: March 7, 2007 Status Update Memo from Police Chief Jeffrey  
23                   Chen to the City of Medina Mayor and City Council regarding "Enhanced

24 PAGE 2 – DECLARATION OF MARIANNE K. JONES IN SUPPORT OF PLAINTIFF  
CHEN'S MOTION FOR SANCTIONS

1                   Public Safety Systems (EPSS)" with a printout of metadata details of the file  
2                   showing creation and modification dates of March 7, 2007;  
3                   f.       Exhibit F: December 29, 2008 Memo from Police Chief Jeffrey Chen to City  
4                   Manager Donna Hanson regarding "Police Chief Emergency Pay";  
5                   g.       Exhibit G: A snapshot printout of metadata of Outlook Data files dated  
6                   February 1, 2011, December 20, 2010, and June 5, 2001;  
7                   h.       Exhibit H: Printout of metadata details of documents entitled "Medina Police  
8                   Department" showing creation, modification and viewing dates of December  
9                   23, 2008;  
10                  i.       Exhibit I: Printout of calendar dated December 2010  
11                  j.       Exhibit J: SecureFocus email listing  
12                  3.       This clearly establishes that Chief Chen did not wipe the hard drive clean as  
alleged by Michael Bolasina and Ellen Lenhart.

13                  EXECUTED AT Bellevue, Washington, this 20<sup>th</sup> day of August, 2014.

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16                  /s/ Marianne K. Jones  
17                  MARIANNE K. JONES  
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23                  PAGE 3 – DECLARATION OF MARIANNE K. JONES IN SUPPORT OF PLAINTIFF  
24                  CHEN'S MOTION FOR SANCTIONS

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 20, 2014, I caused the foregoing Declaration of Marianne K. Jones in Support of Plaintiff's Motion for Sanctions and attached exhibits to be served on counsel for Defendants via the Court's CM/ECF:

### **SERVED PERSONS:**

Stephanie R. Alexander  
Matthew Macario  
Michael & Alexander, attorneys for Defendants

Email: [Stephanie@michaelandalexander.com](mailto:Stephanie@michaelandalexander.com)  
[matthew@michaelandalexander.com](mailto:matthew@michaelandalexander.com)

DATED this 20<sup>th</sup> day of August, 2014.

/s/ Marianne K. Jones  
**MARIANNE K. JONES**

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